

JOHN DUVALL,)
)
Petitioner,)
)
v.) No. 4:07CV01232 ERW
)
LARRY CRAWFORD,)
)
Respondent.)

This matter is before the Court upon its own motion. Petitioner has filed a petition for writ of habeas corpus that is 469 pages long and contains approximately 3,000 pages of exhibits as well as numerous cassette and VCR tapes. Both this Court's Local Rule 2.06(A) and Rule 2(d) of the Rules Governing Section 2254 Cases give this Court the authority to order petitioner to amend his petition by filing it on a court-provided form. Because of the manner in which the instant petition is drafted makes it difficult to review, the Court will order petitioner to amend it using the court-provided form. The petition should not argue or cite any law; it need only state the facts that support petitioner's claims. Additionally, to the extent that petitioner needs more space than is provided in the form, he is instructed to use the form as a model for his additional grounds for relief.

Under Rule 7 of the Rules Governing Section 2254 Cases, the Court may order the parties to expand the record if the petition is not dismissed. The Court has not determined that the record needs to be expanded under Rule 7. As a result, the exhibits to the petition have been filed prematurely by petitioner's brother. Because the exhibits are so numerous, the Court will direct petitioner to have his brother or some other person retrieve the exhibits from the Court within 30 days.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall forward to petitioner, with a copy of this Order, 2 copies of the form for filing a "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody."

IT IS FURTHER ORDERED that petitioner shall complete the form and return it within 30 days from the date of this order.

IT IS FURTHER ORDERED that if petitioner fails to complete and return this form within 30 days, the Court will dismiss this action without prejudice.

IT IS FURTHER ORDERED that upon petitioner's filing of the form petition, the Clerk shall resubmit this matter to the Court for review pursuant to Rule 4 of the Rules Governing § 2254 Cases.

IT IS FURTHER ORDERED that petitioner shall direct his brother or some other person to retrieve the exhibits to the petition from the Court within 30 days.

IT IS FURTHER ORDERED that the Clerk shall unseal the Court's Order dated July 16, 2007.

So Ordered this 2nd Day of August, 2007.

A handwritten signature in black ink, reading "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE